

### **REMARKS/ARGUMENTS**

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

This amendment is submitted in response to the Notice of Non-Responsive Amendment mailed April 18, 2007. That Notice indicated that the Amendment filed January 30, 2007 was non-responsive because “the remarks are directed to an amended claim 1, whereas the claims list claim 1 as being ‘previously amended.’” Thus it was unclear if the claims are to be amended or if the arguments are incorrect. Initially, Applicants note that Claim 1 was identified as “Previously Presented” not “previously amended” as asserted in the outstanding Notice. Further, Claim 1 included no markups from the previous response, thus, clearly indicating that Claim 1 was not amended. The response of January 30, 2007 did, however, include references to an “amended Claim 1”, which were incorrect. Accordingly, the present response is substantially identical to that filed on January 30, 2007, but the Remarks are modified to remove any reference to Claim 1 being amended, as only Claims 11 and 25 are amended by the present response.

Claims 1-3, 5-8, 10-13, 15-27 and 29 are pending in this application. Claims 11 and 25 are amended; and Claim 28 is canceled by the present amendment. Support for amended independent Claims 11 and 25 can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the outstanding Official Action, Claims 11-13 and 25-27 were rejected under 35 U.S.C. § 101; and Claims 1-3, 5-8, 10-13 and 15-29 were rejected under 35 U.S.C. § 102(b) as anticipated by Wang et al. (“Policy-Enabled Handoffs Across Heterogeneous Wireless Networks”, published at WMCSA 1999, hereinafter “Wang”).

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<sup>1</sup> e.g., previously presented Claim 28.

In response to the rejection of Claims 11-13 and 25-27 under 35 U.S.C. § 101, Claims 11 and 25 are amended to recite “a computer program product including a computer-readable memory with a computer program code mechanism stored therein...” Thus, these claims now recite a “memory,” which is a tangible hardware component. Further, previously presented Claim 28 recited “a computer-readable memory in which the program as set forth in Claim 11 is recorded.” As this claim was not rejected under 35 U.S.C. § 101, Applicants accept this as an indication that the “computer-readable memory” feature recited in this claim is sufficient to overcome the 35 U.S.C. § 101 rejection noted above. Accordingly, Claims 11 and 25 are amended to incorporate this feature.

Therefore, Applicants respectfully request that the rejection of Claims 11-13 and 25-27 under 35 U.S.C. § 101 be withdrawn.

Claims 1-3, 5-8, 10-13 and 15-29 were rejected under 35 U.S.C. § 102(b) as anticipated by Wang. Applicants respectfully traverse this rejection, as independent Claims 1, 6, 11, 15, 20, 25 and 26 state novel features clearly not taught or rendered obvious by the applied reference.

Independent Claim 1 is directed to a link manager for selecting an available link for communications. The link manager defines a plurality of link metrics indicating characteristics of each link detected and manages data corresponding to the respective link metrics on a table. A rank is then assigned to each link metric, and to the data corresponding to each link metric. The link manager then selects a link having link metrics complying with a given condition by analyzing each link based on each individual stored metric *in order of rank*, and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank.

Specifically, independent Claim 1 recites, *inter alia*, a link manager, comprising:

...selecting means for selecting a link by analyzing each link based on each individual stored metric *in order of rank*, and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank.

Independent Claims 6, 11, 15, 20, 25 and 26, while directed to alternative embodiments, recite substantially similar features. Accordingly, the arguments presented below are applicable to each of independent Claims 1, 6, 11, 15, 20, 25 and 26.

In an exemplary embodiment, a link manager sorts the records in the link management table shown in Fig. 6, using the link metric with the highest priority as depicted in Fig. 4, as a key. The link metric with the highest priority, is set as  $n=1$  (step ST1) and all the records are selected (step ST2). The record selected at step ST2 is sorted based on these priorities assigned to the data (step ST3), and each individual link is examined with respect to this data assigned to the highest priority link metric. If one link is determined to have superior performance over the other links with respect to the link parameter having the highest priority, this link is selected as the active link. Otherwise, analysis continues using the next highest priority metric applied to each individual link until differentiation occurs and any one link is determined to be superior to another in terms of a selected metric in the order or priority.<sup>2</sup>

Turning to the applied reference, Wang describes a system to enable handoffs between a plurality of links provided to a mobile station. Wang describes that users may specify the importance or weights of each normalized parameter corresponding to characteristics of a specific link.<sup>3</sup> These weights are then used simultaneously to determine a

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<sup>2</sup> Specification, p. 16, line 19-p. 18, line 10 and Fig. 7.

<sup>3</sup> Wang, p. 55, col. 2, lines 29-35.

“cost function” or similar cumulative parameter corresponding to a specified network in order to determine the best available link.<sup>4</sup>

Wang, however, fails to teach or suggest selecting a link by analyzing each link based on each individual stored metric *in order of rank*..., as recited in independent Claim 1.

In addressing the above-noted claimed feature, the Official Action, in the “Response to Remarks” section cites p. 55, sec. 5.3 of Wang and states

By evaluating the cost of the links, the weights of the individual parameters of the links are being evaluated. If they were not, the individual weights assigned would have no true meaning. This is further supported by the fact that Wang teaches how parameter can be weighted to zero if they are not to be evaluated. If all but one parameter is to be evaluated and ranked, the other parameters can be weighted, as being zero and then only that parameter will be evaluated<sup>5</sup>

However, this characterization of Wang fails to address the above noted feature required by independent Claim 1. As noted above Claim 1 recites selecting a link by analyzing each link based on each *individual* stored metric *in order of rank*. Thus, each parameter is considered individually, and in order according to rank. In contrast, even if one of the parameters in Wang’s system is weighted as one, with the rest being weighted as zero, all of the parameters of Wang’s system are simultaneously calculated to determine the cumulative cost parameter, as discussed below. Thus, even if a parameter of Wang is weighted as zero, it is used in the simultaneous calculation to determine the cumulative cost value. Therefore, the parameters are not analyzed *individually and in order of rank* to select a link.

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<sup>4</sup> Id., p. 56, col. 1, lines 1-37.

<sup>5</sup> Official Action, p. 12.

In Wang, a “cost value” is determined for each link, which is a cumulative parameter calculated based on taking into account all of the user’s assigned preferences, as noted above. The cost value for each link is then analyzed and the link with the lowest cost value wins, and is selected as the active link. Thus, Wang describes that each link is analyzed based on a cumulative parameter (cost value) which is calculated by simultaneously taking into account a variety of weighted (one, zero, or otherwise) parameters corresponding to each link.

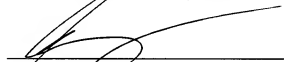
Therefore, Wang fails to teach or suggest selecting a link by analyzing each link based on each individual stored metric *in order of rank*, and selecting a link corresponding to a record having data with a highest rank thus assigned, at a link metric with a highest rank, as recited in independent Claim 1.

Accordingly, Applicants respectfully request the rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn. For substantially the same reasons given with respect to Claim 1, Applicants respectfully submit that Claims 6, 11, 15, 20, 25 and 29 also patentably define over Wang.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 5-8, 10-13, 15-27 and 29, is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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